

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

COLORADO SPRINGS SOUTH RV)	
PARK INC., d/b/A COMPTON RIDGE)	
CAMPGROUND, et al.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 6:14-cv-3155-SWH
)	
FIRST COMMUNITY BANK OF THE)	
OZARKS, et al.,)	
)	
Defendants.)	

**MOTION TO DISMISS UNDER RULE 12(B)(6)
FOR FAILURE TO STATE A CLAIM**

COMES NOW, First Community Bank of the Ozarks, by and through counsel, and moves to dismiss the action because:

1. Plaintiffs' Petition, specifically, Counts III, IV, V, VI, VII, and IX, failed to state a claim upon which relief can be granted.
2. Defendant incorporated by reference its Suggestion in Support of Motion to Dismiss under Rule 12(b)(6) for Failure to State a Claim filed contemporaneous to this Motion.

WHEREFORE, Defendant First Community Bank of the Ozarks moves this Court for its Order dismissing Counts III, IV, V, VI, VII, and IX from this action and for such other and further relief as the Court deems just and proper in the premises.

LOWTHER JOHNSON
Attorneys at Law, LLC

By: /s/ Lee J. Viorel
Lee J. Viorel
Missouri Bar Number 36886
Michael L. Miller
Missouri Bar Number 56725
901 St. Louis Street, 20th Floor
Springfield, MO 65806
Telephone No: (417) 866-7777
Fax No: (417) 866-1752
lviorel@lowtherjohnson.com
mmiller@lowtherjohnson.com

*Attorneys for Defendant,
First Community Bank of the Ozarks*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing instrument was forwarded this 23rd day of April, 2014 via electronic mail or by first class mail, postage prepaid to:

Kerry Montgomery
M. Scott Montgomery
The Montgomery Law Firm, LLC
2808 S. Ingram Mill Rd., Bldg. A104
Springfield, MO 65804
scott@montgomerylaw.org

David W. White
James H. Maggard
Foland, Wickens, Eisfelder, Roper
& Hofer, P.C.
911 Main, Suite 3000
Kansas City, MO 64105
dwhite@fwpclaw.com
jmaggard@fwpclaw.com

/s/ Lee J. Viorel
Michael L. Miller